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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ASSOCIATION OF IRRITATED) Case No. 08-cv-05650 CW
RESIDENTS, an unincorporated association,)
Plaintiff,)
v.)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, LISA P.)
JACKSON, in her official capacity as)
Administrator of the United States)
Environmental Protection Agency, and)
LAURA YOSHII, in her official capacity as)
Acting Regional Administrator for Region IX)
of the United States Environmental Protection)
Agency,^{1/})
Defendants.)
)

**ORDER GRANTING AS MODIFIED
STIPULATION TO EXTEND
ANSWER DEADLINE AND TO
CONTINUE INITIAL DISCOVERY,
ADR REQUIREMENTS, AND CASE
MANAGEMENT CONFERENCE**

^{1/} Stephen L. Johnson and Wayne Nastri were previously named as defendants in their official capacities as Administrator and Regional Administrator, respectively, of the United States Environmental Protection Agency (“EPA”). Pursuant to Federal Rule of Civil Procedure 25(d), their successors, Lisa P. Jackson, Administrator of EPA, and Laura Yoshii, Acting Regional Administrator of EPA, are automatically substituted as defendants.

Stipulation to Extend Answer Deadline and to
Continue Initial Discovery, ADR Requirements,
and Case Management Conference

Case No. 08-cv-05650 CW

1 WHEREAS, on December 18, 2008, Plaintiff Association of Irritated Residents filed the
2 complaint in the above-captioned matter against Defendants United States Environmental
3 Protection Agency; Lisa P. Jackson, in her official capacity as Administrator of the United States
4 Environmental Protection Agency; and Laura Yoshii, in her official capacity as Acting Regional
5 Administrator for Region IX of the United States Environmental Protection Agency
6 (collectively, “EPA”), alleging that EPA has failed to undertake certain nondiscretionary duties
7 under section 304(a)(2) of the Clean Air Act, 42 U.S.C. § 7604(a)(2);

8 WHEREAS, Plaintiff and EPA seek to resolve this case through private settlement,
9 thereby reducing litigation expenses and preserving the Court’s resources, and are currently
10 engaged in settlement discussions;

11 WHEREAS, any final settlement of this case must be approved by authorized officials at
12 the United States Department of Justice and EPA, a process that can take several weeks;

13 WHEREAS, at least 30 days before any final settlement of this matter can be entered,
14 EPA must provide notice of such settlement in the Federal Register and an opportunity for public
15 comment pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);

16 WHEREAS, no previous requests for extensions of time or continuances have been filed
17 in this case, and the parties believe that the requested extension and continuances below will not
18 adversely affect the schedule of this case;

19 NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through
20 their undersigned counsel, hereby stipulate to the following:

21 1. EPA’s time for responding to Plaintiffs’ complaint is extended by 90 days to May
22 18, 2009;

23 2. The parties’ deadline to meet and confer regarding initial disclosures, early
24 settlement, ADR process selection and certification, and discovery planning is continued until
25 June 3, 2009;

26 3. The parties’ deadline to file initial disclosures, a Case Management Statement,
27 and a Rule 26(f) Report is continued until June 17, 2009;

28 4. The initial case management conference is continued until June 29, 2009, or a

1 date thereafter set by the Court.
2

3 **COUNSEL FOR PLAINTIFF:**

4 Dated: February 10, 2009

5 /s/ Brent Newell (with permission)
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7 MARYBELLE NZEGWU
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14 *Counsel for Plaintiff Association of Irritated
15 Residents*

16 **COUNSEL FOR DEFENDANTS:**

17 Dated: February 10, 2009

18 JOHN C. CRUDEN
19 Acting Assistant Attorney General
20 Environment & Natural Resources Division

21 /s/ Rochelle L. Russell
22 ROCHELLE L. RUSSELL
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29 **PURSUANT TO STIPULATION, IT IS SO ORDERED, EXCEPT THE CASE
30 MANAGEMENT CONFERENCE IS CONTINUED TO JUNE 30, 2009, AT 2:00 P.M.**

31 Dated: 2/17/09



32 CLAUDIA WILKEN
33 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that on February 10, 2009, a true and correct copy of the foregoing

**STIPULATION TO EXTEND ANSWER DEADLINE AND TO CONTINUE INITIAL
DISCOVERY, ADR REQUIREMENTS, AND CASE MANAGEMENT CONFERENCE**

was served electronically via the Court's e-filing system to Counsel of Record.

/s/ Rochelle L. Russell
ROCHELLE L. RUSSELL